

**** NOT FOR PRINTED PUBLICATION****

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

MARK ALAN PRIEST	§	
VS.	§	CIVIL ACTION NO. 9:20-CV-61
SERGIO J. PEREZ, JR., <i>et al.</i> ,	§	

ORDER PARTIALLY ACCEPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff, Mark Alan Priest, a prisoner formerly confined at the Polunsky Unit with the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against defendants Taliesein R. Stern, Christina M. Norris, Terra N. Maxie, and Brandy L. Mosley.¹

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Lufkin, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends granting the motion to dismiss filed by defendants Stern, Perez and Maxie (docket entry no. 30).

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, and pleadings. No objections to the Report and Recommendation of United States Magistrate Judge have been filed to date. In fact, plaintiff filed a Motion to Voluntarily Dismiss all his claims (docket entry no. 33).

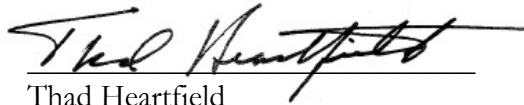
ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **PARTIALLY ACCEPTED** to the extent it recommends

¹A Memorandum Opinion and Order and Partial Judgment were entered on October 30, 2020, dismissing plaintiff's official capacity claims against all the defendants and plaintiff's individual capacity claims against defendant Mosley for failure to state a claim and as frivolous. In addition, plaintiff's claims against defendant Norris were dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a) (docket entry nos. 21 & 22).

dismissal. A Final Judgment will be entered in this case in accordance with the Magistrate Judge's recommendations.

SIGNED this the **18** day of **August, 2021**.

A handwritten signature in black ink, appearing to read "Thad Heartfield", written over a horizontal line.

Thad Heartfield
United States District Judge